

1. Heading and number of proposed rules, Codes, or other regulations:

Chapter VI (Bathing Places - Public and Semipublic Swimming Pools)

2. Summary of the proposed rules, Codes ordinances or other:

The Maricopa County is proposing to revise the bathing places for public and semi public swimming pools, Chapter VI of Maricopa County Environmental Health Code, and to submit said Code as a revision to the (Arizona) State Implementation Plan (SIP).

Proposed Revision to Chapter VI (Bathing Places, Public and Semi Public Swimming Pools):

Maricopa County is proposing to revise Chapter VI to complement revisions being made by Arizona Department of Environmental Quality (ADEQ) and Arizona Department of Health Services (ADHS). The proposed revisions are addressed and show each Section of the Code followed by the appendices:

SECTION 1. WATER QUALITY	
Regulation 1. Approval of plans	Plans are now required when changes affect the following components: the shape, the depth, the water circulation system, the enclosure, the resurfacing of greater than 10% of the pool interior or deck, adding a water feature or planter, the disinfection system and the installation of diving equipment. Definitions are modified and new ones are added.
Regulation 3. Permit required	If the operating permit for a public or semi-public swimming pool, special use pool, spa, or wading pool lapses or is invalid for a period of more than one year, the pool will be required to comply with the current code provisions to qualify for a new operating permit.
Regulation 4. Instructions	Changes in signage requirements (ADEQ Code)
Regulation 9. Operation	Reasons for closing a pool
Regulation 12. Retroactive Requirements	New section, retroactive main drain requirements, retroactive anti vortex main drain covers, retroactive fencing requirements, retroactive diving board requirements and retroactive vacuum line cover requirements.
Regulation 14. Inspections	Right of entry. (ADEQ and ADHS Codes)
Regulation 15. Applicability	Types of pools that are covered by this Code. (ADEQ Code)
SECTION 2. WATER QUALITY STANDARDS	
Regulation 2. Water Source	Use only potable water in public and semi-public pools. (ADHS Code)

Regulation 4. Chemical Standards	Changes in chlorine and bromine concentrations and total alkalinity. (ADEQ Code)
Regulation 5. Physical Standards	Maximum temperature for bathing place - 104 degrees. (ADEQ Code)
Regulation 6. Tests	Daily operating logs. (ADHS Code)
Regulation 7. Fecal Contamination	New rule. (ADEQ Code)
SECTION 3. GENERAL DESIGNS AND SPECIFICATIONS	
Regulation 2. Shape	Rules on shape and dimensions. (ADEQ Code)
Regulation 5. Piping	Rules on design and installation of piping. (ADEQ Code)
Regulation 6. Total Dynamic Head	Hydraulic system design
Regulation 7. Pumps and Motors	State rules, pump and motor design. (ADEQ Code)
Regulation 9. Pool Water Cleaning System	Covers on vacuum lines
Regulation 11. Drains	Dual main drain required. (ADEQ Code)
Regulation 12. Flow Meter	Flow meter required on public pools. (ADEQ Code)
Regulation 14. Air Relief Valves	Air relief valve required. (ADEQ Code)
Regulation 22. Signs	Signage requirements. (ADEQ Code)
SECTION 4. WATER CIRCULATION, DISINFECTION AND CHEMICAL CONDITIONING	
Regulation 1. Water Circulation System	New circulation system design and requirements for components. (ADEQ Code)
Regulation 2. Disinfecting Agents	New field testing requirements. (ADEQ Code)
Regulation 3. Gaseous Disinfectants	New section. (ADEQ Code)
Regulation 6. Disinfection Equipment	New equipment requirements. (ADEQ Code)
Regulation 7. Chemical Feeders	New section. (ADEQ Code)
SECTION 5. BATHHOUSE AND DRESSING ROOM FACILITIES	
Regulation 1. For All Swimming Pools	Changes in bath house requirements. (ADEQ Code)
SECTION 6. PUBLIC SWIMMING POOLS	
Regulation 1. Design Standards	Design changes for public pools. (ADEQ Code)

Regulation 3. Ladders, Steps and Recessed Treads	Design changes for ladders, steps, and recessed treads. (ADEQ Code)
Regulation 4. Lighting	Design changes for lighting. (ADEQ Code)
Regulation 5. Hose Bibs	Design changes for hose bibs. (ADEQ Code)
Regulation 6. Diving Facilities	New regulation. (ADEQ Code)
Regulation 8. Lifeguard Chairs	Placement of life guard chairs. (ADEQ Code)
Regulation 9. Lifesaving and Safety Equipment	Changes in bath house requirements. (ADEQ Code)
Regulation 11. Fencing	New fencing requirements. (ADEQ Code)
Regulation 14. Miscellaneous	Various new requirements for decks. (ADEQ Code)
SECTION 7. SEMIPUBLIC SWIMMING POOLS	
Regulation 1. Lifesaving and Safety Equipment	Changes in lifesaving and safety equipment. (ADEQ Code)
Regulation 2. Fencing	New fencing requirements. (ADEQ Code)
Regulation 3. Walkways	Various new requirements for decks. (ADEQ Code)
Regulation 5. Bathhouses and Dressing Room Facilities	New requirements for bath houses at semi-public pools. (ADEQ Code)
SECTION 8. WADING POOLS	
Regulation 1. Public	Chemical controllers are now required for public waders.
Regulation 2. Semipublic	Waders not located near deep end. (ADEQ Code)
Regulation 4. Circulation	Circulation system changes. (ADEQ Code)
Regulation 6. Depth Markers	Depth markers on waders. (ADEQ Code)
Regulation 7. Disinfection	Disinfection system changes. (ADEQ Code)
SECTION 9. SPAS	
Regulation 2. Circulation	Thirty-minute turnover rate for spas. (ADEQ Code)
Regulation 4. Drains	Dual main drain requirement for spas. (ADEQ Code)
Regulation 7. Temperature	Maximum temperature for spas - 104 degrees. (ADEQ Code)
Regulation 8. Timer	15 minute timer for spas. (ADEQ Code)
Regulation 9. Air Blower and Air Induction Systems	New section. (ADEQ Code)
Regulation 10. Depth Markers	Depth markers required on spas. (ADEQ Code)
SECTION 10. SPECIAL USE POOLS	
Regulation 1. Supplemental Standards and Requirements	New competition pool design. (ADEQ Code)
Regulation 5. Spray Ponds	New county proposal for spray pond design..
SECTION 11. NATURAL AND SEMIARTIFICIAL BATHING PLACES	

Regulation 1. Water Quality	New chemical requirements. (ADHS Code)
SECTION 12. ARTIFICIAL BATHING LAKE	
Regulation 1. Water quality	New chemical requirements. (ADHS Code)
SECTION 13. WATER SLIDES - (NEW SECTION)	
NEW COUNTY PROPOSAL	
SECTION 14. ZERO DEPTH ENTRY - (NEW SECTION)	
NEW COUNTY PROPOSAL	
APPENDIX A.	
Illustration A.	Diving well dimensions for swimming pools
Illustration B.	Minimum distance requirements for diving boards
Illustration C.	Diving boards, public and semipublic pools
Illustration D.	Diving boards, public and semi-public pools Minimum dimensions - public pools
APPENDIX B.	
Average width of all swimming pools	
APPENDIX C.	
Public pools fencing and equipment protection	
APPENDIX D.	
Semipublic pools fencing and equipment protection	

3. Explanation of the rules, including the Department's reasons for initiating the rulemaking:

Maricopa County is proposing to revise Chapter VI Bathing Places - Public and Semipublic Swimming Pools (All Sections and Appendices). The proposed code is subsequent changes to revisions in the Arizona Administrative Code R18-5-200. The Department of Environmental Quality (ADEQ) and Arizona Department of Health Services (ADHS) regulate public and semipublic swimming pools. To minimize confusion and expedite the pool operating permit issuance process, the Maricopa County is proposing to combine the ADEQ and ADHS revisions into one regulation, Maricopa County Health Code. This proposal addresses the retroactive requirements for dual main drain, anti vortex covers, diving boards and vacuum lines. This proposal requires contractors or owners to submit plans whenever there are changes that affect the pool shape, depth, water circulation, pool enclosure, resurfacing (greater than 10 percent) of the pool interior or deck. Other changes that will require plans are the addition of water feature or planter, changing the disinfection system, pump, and filter or installing diving equipment. Permit holders will be required to post safety instructions on the signage in the pool area and provide depth markers. There will also be additional requirements for bench designs under water, dual bottom drains and water chemistry. The proposed codes will be necessary to prevent a significant threat to public health and safety. These proposed regulations are also deemed to be technically and economically feasible for contractors and pools owners.

Maricopa County will propose rules for retroactive provisions, new sections and as well as to encompassing all of the mandated rules that are set forth by the State ADEQ and ADHS to the revised rule, The Maricopa County Health Code. Our delegation agreement with the State requires that Maricopa County Rules must be at least as stringent as the State or more stringent.

4. **Demonstration of compliance with A.R.S.§49-112:**

Under A.R.S. § 49-112 (A), Maricopa County may adopt rules that are more stringent than or in addition to a provision of the state, provided that the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible; or if it is required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not exceed the reasonable costs of the county to issue and administer that permit program. Maricopa County is in compliance with A.R.S. §49-112(A) in that Maricopa County proposes to adopt revisions to Chapter VI that is more stringent than a provision of the State in order to address a peculiar local condition.

5. **A reference to any study relevant to the rule that the Department reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation or justification for the rule; where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**

In 2001, the 911 Emergency System responded to 135 serious water-related incidents in Maricopa County among persons of all ages (Arizona Department of Health Statistics). Most incidents took place in pools with 57 of the 88 incidents involving children aged 0-4 years.

Although it is true that the majority of swimming pool accidents occur due to the lack of adult supervision, the purpose of the Maricopa County Environmental Services Pool Program is to assure all public and semipublic swimming pools are maintained in a safe and sanitary condition. Preventing children from drowning is Department priority. The cost of retroactive provisions that have been included in the proposed swimming pool code are minimal when compared to the potential loss of lives and the lawsuits that follow.

The Consumer Products Safety Commission (CPSC), publication No. 363-00981, Guidelines for Entrapment Hazards, Making Pools and Spas Safer, addresses the potential entrapment hazard in swimming pools, wading pools and spas. Similarly, the National Spa and Pool Institute (NSPI) addresses its strong support of the technical committee recommendations for the use of suction outlets (main drains) with anti-

vortex covers as the NSPI-recommended method providing anti-entrapment and anti-evisceration protection as per the CPSC guidelines.

Only recently has the pool industry and government regulations recognized the potential concerns of older pools. Dual main drains, which have been required since the adoption of the 1998 ADEQ Code will best eliminate the potential of evisceration/ disembowelment. Almost all of these accidents occur in wading pools and spas. Other alternatives may be used in swimming pools as stated in the proposed code.

The regulation progress in the new code is realistic and applicable at a reasonable cost and will protect the citizens of Maricopa County.

6. **Summary of the economic, small business and consumer impact:**

There will be minor costs to contractors and owners of swimming pools as a result of the adoption of Chapter VI. There will be some minimal costs incurred by owners or contractors due to the requirement of fencing, remodeling and public liability insurance of seven million dollars for diving board requirements. Costs for remodeling fees will range from \$75 to \$150 based on plan review and field inspections. The changing of the sanitizing system review fee will be \$150 and this fee is based on billable hours and less than the standard plan review fee. Installation of dual main drains at time of resurfacing ranges from \$400 to \$700 depending on the type of pool and material used. The anti-vortex covers are priced at \$45 to \$100 per unit installed. In regard to swimming pools that do not meet the current fencing requirements, but they are in compliance with the 1989 Code, those pools will have to meet the proposed Codes by September 2013. Many of the operators already use more disinfecting chemicals during the weekends, holidays and high season pool usage with negligent cost.

7. **The name and address of Department personnel with whom persons may communicate regarding this rulemaking:**

	Dan Queen, R.S. Plan Review Office Manager	Chris Baugh, P.E. Swimming Pool Program
E-mail	dqueen@mail.maricopa.gov	cbaugh@mail.maricopa.gov
Telephone	1001 N. Central Avenue, Suite #350, Phoenix, AZ 85004	1001 N. Central Avenue, Suite #350, Phoenix, AZ 85004
Telephone	(602) 506 - 6986 (M-F: 8am-5pm)	(602) 506 - 4847 (M-F: 8am-5pm)
Fax	(602) 506 - 6862	(602) 506 - 6862

8. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules:**

Oral Proceeding Date: Tuesday, November 18, 2003

Time: 8:00 AM - 12:00 PM

Location: Maricopa County Environmental Services Department

5th Floor Conference Room #560

1001 North Central Avenue, Phoenix, Arizona 85004

Nature: Public hearing with the opportunity for formal comments on the record regarding the proposed public and semipublic swimming pools codes of Maricopa County Environmental Health. Please call (602)-506-6443 for special accommodations under the Americans with Disabilities Act.

The full text of the rule:

As follows: